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WHIRLPOOL PATENTS COMPANY - MD 0750
500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH, MI 49085

EXAMINER

WEBB, GREGORY E

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,160

Applicant(s)

ESTES ET AL.

Examiner

Gregory E. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/20/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 79-81 and 83-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 88 is/are allowed.
- 6) ☐ Claim(s) 79-81 and 83-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In an effort to respond to the applicant's newly presented Interview Summary filed 1/20/2006, the following new action is presented. The examiner agrees with the applicant's statement that the function properties defined by claim 79 are well-known properties. However, the applicant has not provided a set of species meeting these limitations. The applicant has only defined a generic class of substances that may or may not meet these function limitations. For example the applicant states that some fluorinated hydrocarbons will meet these functional limitations. The class of fluorinated hydrocarbons with for example 1-10 carbon atoms would yield millions of combinations of compounds. The examiner would then have to know of these millions of compounds which of these compounds would meet each function limitation. Such experimentation would require the examiner to perform an even larger set of experiments on each compound to verify that the compound does indeed meet the limitations. Therefore, the examiner maintains that such functional limitations would require the examiner undo experimentation to determine which of the compounds in a large genus of compounds would meet the claimed functional limitations.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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2. Claims 79-81, and 83-87 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
3. The applicant's specification does not describe the invention with sufficient details or examples for one of ordinary skill in the art to determine which if any solvents meet the applicant's claimed functional description of the invention. The applicant describes a single example which the examiner has indicated as allowable and three genera of compounds which meet these functional limitations.
4. Although it is possible one or more of the millions of compounds encompassed by these three genera (i.e. perfluorocarbons, hydrofluoroethers, fluorinated hydrocarbons, and fluoroinerts) would meet the applicant's functional limitations, such testing would require undo experimentation on part of the examiner or any other who is of ordinary skill in the art of chemistry.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 79-81 and 83-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al (US 5,962,390) in view of Smith et al (US 5,238,587).

9. Flynn et al teach a variety of solvents suitable for dry cleaning applications such as those found in the instant application.

10. Flynn includes in this list of solvents including the applicant's claimed "working fluid." For example Flynn teaches the use of the fluoroether C₄F₉OCH₃, also known as HFE-7100, a well-known fluid produced by Minnesota Mining and Manufacturing company, the assignee for the Flynn reference.

11. Flynn fails to teach the applicant's claimed perfume.

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12. Smith et al (US 5,238,587) teaches a home dry cleaning kit which also contains an ether-based formulations such as those discussed in Flynn (see title and col. 5).

13. Smith et al further teach the routine inclusion of perfumes in their dry cleaning composition (see cols. 8-9). Smith specifically states the benefit of such fragrances and states that the inclusion of such compounds will function as an insect repellent.

14. Thus it would have been obvious based on the teachings of Flynn in view of Smith to include a perfume in an ether-based dry cleaning composition as such additions will as taught by Smith repel insects.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

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international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 79-81, 83-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Login (US5093031).

Concerning the fluorine-containing compound and the home laundering, Login teaches the following:

Still another field in which the present lactams find application is in dry cleaning. Dry cleaning solvents generally fall into two categories, namely the petroleum solvents and the halogenated solvents which include Stoddard solvent (a petroleum distillate between gasoline and kerosene), carbon tetrachloride, trichloroethylene, perchloroethylene, fluorinated hydrocarbons, 104F solvent, etc. Although these solvents are satisfactory for the removal of fatty type soils, many water soluble spots and stains, e.g., tea, fruit, wine, ink and beer stains, are not removed. However, when the present solvent soluble lactams are added to the formulation, such water insoluble stains are easily removed. These lactams, particularly the pyrrolidones herein defined, complex with acidic molecules, labile protons, polarizable molecules and color forming components. Thus, they can solubilize water in the dry cleaning formulation thus assisting in removing water soluble stains. They also

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complex with odor causing components in human perspiration, this minimizing or eliminating odor retained in clothing including polyester fabrics. The present lactams are also efficacious in removing soil and stains when added to a standard laundry detergent. The effective amount of lactam incorporated in dry cleaning or laundry detergents for the above purposes is generally at least 1% by weight, preferably between about 2% and 50% by weight of the total formulation. As a specific spot and stain remover, however, the present lactams, particularly the pyrrolidones, can be used individually or in admixture in 100% concentration with no additive. For effective stain removal, usually an amount which wets the entire stain will suffice to give desired results.(par#56)

Concerning the washing additive, Login teaches the following:

Drugs are usually administered as a complex formulation. In particular, drug compositions often contain surfactants which can influence the de-aggregation and dissolution of an active ingredient. They can also control the rate of precipitation of a drug which is administered in solution form by increasing the membrane permeability and membrane integrity. Surfactants may also influence the binding of the drug to a receptor site. Water soluble drugs will not bind, whereas water insoluble drugs will interact with surfactant molecules. Thus, high concentrations of surfactants are likely to affect the lipophilic and hydrophobic drugs in differing degrees.(par#37)

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Concerning the claimed fragrance, Login teaches the following:

Retention of the perfume odor on the skin is remarkably extended.(par#144)

Concerning the claimed solubility properties, Login teaches the following:

N-lower alkyl pyrrolidones have found wide commercial acceptance as non-toxic, aprotic chemical solvents. However, absence of hydrophobic-lipophobic balance in these molecules, as in the case of N-methyl pyrrolidone, prevents micellular formation; consequently, they possess no significant aqueous surfactant properties. Linear amine oxides are known to possess high surfactant activity; however these compounds are not stable at high temperatures and cannot be employed in metal working or high temperature fiber processing.(par#12)

Concerning the applicant's claimed functional properties, as the examiner has in the above rejection recited compounds meeting the broad class of compounds recited on page 5 of the instant specification (i.e. perfluorocarbons, hydrofluoroethers, fluorinated hydrocarbons, and fluoroinerts) such functional properties as non-reactive, non-aqueous, non-oleophilic, apolar, and a KB value less than 30 would be inherent to those compounds pending a showing to the contrary.

Claims 79-81, 83-87 are rejected under 35 U.S.C. 102(b) as being anticipated by de Jager (US5269958).

Concerning the fluorine-containing compound, de Jager teaches the following:

U.S. Pat. No. 4,322,037 to Heeb et al. teaches an aerosol container to

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spray compositions that are free of chlorofluorinated hydrocarbon or hydrocarbon gases. The container can be used to deliver liquids pressurized by dimethyl ether as a propellant. Dimethoxymethane is suggested as a possible solvent for the propellant or the active ingredients to be delivered. The compositions preferably contain 12.9-18% water. Use of chlorofluorinated solvents is preferred in one embodiment although chlorofluorinated propellant gases are to be avoided. Another preferred carrier composition is composed of 54.0-55.0% water, 0.9-1.1% carbon dioxide, 38.5-35.1% dimethyl ether and 9.0-6.4% alcohols having 2 or 3 carbon atoms. The compositions delivered from such containers can be hairsprays, room sprays and cosmetic or medicinal sprays such as deodorants.(par#35)

Concerning the washing additive, de Jager teaches the following:

U.S. Pat. No. 4,013,595 to Podella et al. teaches non-flammable aqueous aerosol rug cleaners using flammable hydrocarbon propellants such as isobutane, n-butane and propane. They possess reduced flammability due to the presence of at least 0.3% lauryl alcohol in combination with 0.3-10% of an alkali metal lauryl sulfate salt as at least one of the surfactants. These compositions would not be suitable for spot dry cleaning of fabrics since they contain 50-90% water.(par#29)

Concerning the claimed fragrance, de Jager teaches the following:

Example 8 was reported to be significantly better than Comparative Example

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A in terms of the length of the drying time and satisfaction with length of drying time. Example 8 was reported to be significantly worse than Comparative Example A in terms of the smell of the product. This was not unexpected since Example 8 did not contain any fragrance while Comparative Example A contained a fragrance to mask the solvent odors. No statistically significant difference was noted between Example 8 and Comparative Example A in terms of force of spray, stain removal ability and overall product performance. Overall, Example 8 was found to be the best of the two compositions tested.(par#100)

Concerning the home laundering, de Jager teaches the following:

Self-pressurized aerosol spot dry cleaning compositions(par#1)

Concerning the claimed solubility properties, de Jager teaches the following:

The self-pressurized aerosol compositions of the present invention principally rely on the solvent power of dimethoxymethane to dissolve oil-based stains. Since it is polar, it can also help to dissolve stains which have a hydrophilic character and can be removed with water.

Dimethoxymethane is a well known compound having the chemical formula $\text{CH}_3\text{OCH}_2\text{OCH}_3$. It is also known as methylal or formal and is commercially available from Lambiotte & Cie S.A. of Brussels, Belgium, among other commercial sources. Dimethoxymethane comprises from 20% to about 70%, preferably from about 30% to 50%, and most preferably, from about 35% to 40%, by weight of the total composition.(par#53)

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Concerning the applicant's claimed functional properties, as the examiner has in the above rejection recited compounds meeting the broad class of compounds recited on page 5 of the instant specification (i.e. perfluorocarbons, hydrofluoroethers, fluorinated hydrocarbons, and fluoroinerts) such functional properties as non-reactive, non-aqueous, non-oleophilic, apolar, and a KB value less than 30 would be inherent to those compounds pending a showing to the contrary.

Claims 79-81, 83-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Login (US5294644).

Concerning the fluorine-containing compound and the home laundering, Login teaches the following:

Still another field in which the present lactams find application is in dry cleaning. Dry cleaning solvents generally fall into two categories, namely the petroleum solvents and the halogenated solvents which include Stoddard solvent (a petroleum distillate between gasoline and kerosene), carbon tetrachloride, trichloroethylene, perchloroethylene, fluorinated hydrocarbons, 104F solvent, etc. Although these solvents are satisfactory for the removal of fatty type soils, many water soluble spots and stains, e.g., tea, fruit, wine, ink and beer stains, are not removed. However, when the present solvent soluble lactams are added to the formulation, such water insoluble stains are easily removed. These lactams,

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particularly the pyrrolidones herein defined, complex with acidic molecules, labile protons, polarizable molecules and color forming components. Thus, they can solubilize water in the dry cleaning formulation thus assisting in removing water soluble stains. They also complex with odor causing components in human perspiration, this minimizing or eliminating odor retained in clothing including polyester fabrics. The present lactams are also efficacious in removing soil and stains when added to a standard laundry detergent. The effective amount of lactam incorporated in dry cleaning or laundry detergents for the above purposes is generally at least 1% by weight, preferably between about 2% and 50% by weight of the total formulation. As a specific spot and stain remover, however, the present lactams, particularly the pyrrolidones, can be used individually or in admixture in 100% concentration with no additive. For effective stain removal, usually an amount which wets the entire stain will suffice to give desired results.(par#62)

Concerning the washing additive, Login teaches the following:

Drugs are usually administered as a complex formulation. In particular, drug compositions often contain surfactants which can influence the de-aggregation and dissolution of an active ingredient. They can also control the rate of precipitation of a drug which is administered in solution form by increasing the membrane permeability and membrane integrity. Surfactants may also influence the binding of the drug to a

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receptor site. Water soluble drugs will not bind, whereas water insoluble drugs will interact with surfactant molecules. Thus, high concentrations of surfactants are likely to affect the lipophilic and hydrophobic drugs in differing degrees.(par#39)

Concerning the claimed fragrance, Login teaches the following:

Retention of the perfume odor on the skin is remarkably extended.(par#150)

Concerning the claimed solubility properties, Login teaches the following:

N-lower alkyl pyrrolidones have found wide commercial acceptance as non-toxic, aprotic chemical solvents. However, absence of hydrophobic-lipophobic balance in these molecules, as in the case of N-methyl pyrrolidone, prevents micellular formation; consequently, they possess no significant aqueous surfactant properties. Linear amine oxides are known to possess high surfactant activity; however these compounds are not stable at high temperatures and cannot be employed in metal working or high temperature fiber processing.(par#14)

Concerning the applicant's claimed functional properties, as the examiner has in the above rejection recited compounds meeting the broad class of compounds recited on page 5 of the instant specification (i.e. perfluorocarbons, hydrofluoroethers, fluorinated hydrocarbons, and fluoroinerts) such functional properties as non-reactive, non-aqueous, non-oleophilic, apolar, and a KB value less than 30 would be inherent to those compounds pending a showing to the contrary.

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Claims 79-81, 83-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (US5505985).

Concerning the preferred working fluid, Nakamura teaches the following:

A fluorine-containing polymer compound is dissolved in a fluorine-containing solvent such as perfluoroalcohol, perfluoroether, perfluoroamine, or the like and the so-prepared solution was cast on a laminated structure and air-dried for 8 to 16 hours to give a film (protection layer). It does not matter how long the drying is carried out, if it is carried out for at least 8 hours. Since, however, there is no much difference even if the drying time exceeds 16 hours, such a longer drying time is improper. The drying time is generally properly about 12 hours.(par#74)

Concerning the fluorine-containing compound, Nakamura teaches the following:

The above perfluoroether and the above copolymerizable monomer can be radical-copolymerized by a conventional method such as bulk polymerization in which these are directly polymerized, solution polymerization in which these are dissolved in an organic solvent such as fluorinated hydrocarbon, chlorinated hydrocarbon, fluorochlorinated hydrocarbon, alcohol, hydrocarbon, etc., and polymerized in the solvent, suspension polymerization in which these are polymerized in an aqueous medium in the presence or absence of a proper organic solvent, emulsion polymerization in which these are polymerized in an aqueous medium containing an

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emulsifier, or other method. Although the proportion of the perfluoroether for the production of the copolymer is not specially limited, this proportion is preferably 0.1 to 99 mol % as a material to be charged based on the above copolymerizable monomer.(par#68)

Concerning the washing additive, Nakamura teaches the following:

Specific examples of inorganic radical initiator include inorganic peroxides such as (NH₄)₂S₂O₈, K₂S₂O₈, etc. As light, visible light, ultraviolet light, etc., can be used, and a photosensitizer may be used in combination. The ionizing radiation includes .gamma. ray, .beta. ray, .alpha. ray, etc., from radioactive isotopes such as ⁶⁰Co, ¹⁹²Ir, ¹⁷⁰Tm, ¹³⁷Cs, etc., and electron beam from an electron beam accelerator.(par#71)

Concerning the applicant's claimed functional properties, as the examiner has in the above rejection recited compounds meeting the broad class of compounds recited on page 5 of the instant specification (i.e. perfluorocarbons, hydrofluoroethers, fluorinated hydrocarbons, and fluoroinerts) such functional properties as non-reactive, non-aqueous, non-oleophilic, apolar, and a KB value less than 30 would be inherent to those compounds pending a showing to the contrary.

Claims 79-81, 83-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (US5427858).

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Concerning the preferred working fluid, Nakamura teaches the following:

A fluorine-containing polymer compound is dissolved in a fluorine-containing solvent such as perfluoroalcohol, perfluoroether, perfluoroamine, or the like and the so-prepared solution was cast on a laminated structure and air-dried for 8 to 16 hours to give a film (protection layer). It does not matter how long the drying is carried out, if it is carried out for at least 8 hours. Since, however, there is no much difference even if the drying time exceeds 16 hours, such a longer drying time is improper. The drying time is generally properly about 12 hours.(par#93)

Concerning the fluorine-containing compound, Nakamura teaches the following:

The above perfluoroether and the above copolymerizable monomer can be radical-copolymerized by a conventional method such as bulk polymerization in which these are directly polymerized, solution polymerization in which these are dissolved in an organic solvent such as fluorinated hydrocarbon, chlorinated hydrocarbon, fluorochlorinated hydrocarbon, alcohol, hydrocarbon, etc., and polymerized in the solvent, suspension polymerization in which these are polymerized in an aqueous medium in the presence or absence of a proper organic solvent, emulsion polymerization in which these are polymerized in an aqueous medium containing an emulsifier, or other method. Although the proportion of the perfluoroether for the production of the copolymer is not specially limited, this

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proportion is preferably 0.1 to 99 mol. % as a material to be charged

based on the above copolymerizable monomer.(par#87)

Concerning the washing additive, Nakamura teaches the following:

Specific examples of inorganic radical initiator include inorganic

peroxides such as (NH₄)₂S₂O₈, K₂S₂O₈

O₈, etc. As light, visible light, ultraviolet light, etc., can be

used, and a photosensitizer may be used in combination. The ionizing

radiation includes γ ray, β ray, α ray, etc., from

radioactive isotopes such as ⁶⁰Co, ¹⁹²Ir, ¹⁷⁰Tm,

¹³⁷Cs, etc., and electron beam from an electron beam accelerator.(par#90)

Concerning the applicant's claimed functional properties, as the examiner has in the above rejection recited compounds meeting the broad class of compounds recited on page 5 of the instant specification (i.e. perfluorocarbons, hydrofluoroethers, fluorinated hydrocarbons, and fluoroinerts) such functional properties as non-reactive, non-aqueous, non-oleophilic, apolar, and a KB value less than 30 would be inherent to those compounds pending a showing to the contrary.

Claims 79-81, 83-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Balliett (US5676005).

Concerning the preferred working fluid and the fluorine-containing compound, Balliett teaches the following:

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7. Process in accordance with claim 1 wherein the perfluorocarbon fluid is selected from the group consisting of perfluoroamines.(par#15)

Concerning the applicant's claimed functional properties, as the examiner has in the above rejection recited compounds meeting the broad class of compounds recited on page 5 of the instant specification (i.e. perfluorocarbons, hydrofluoroethers, fluorinated hydrocarbons, and fluoroinerts) such functional properties as non-reactive, non-aqueous, non-oleophilic, apolar, and a KB value less than 30 would be inherent to those compounds pending a showing to the contrary.

Allowable Subject Matter

15. Claim 88 is allowed. The prior art fails to teach or suggest the applicant's claimed fluorine containing compound in combination with the fragrance.

Conclusion

Should the applicant determine that any of the compounds recited above do not meet the functional limitations of the working fluid, the examiner will remove these rejections if and only if they are accompanied by a signed declaration demonstrating beyond a shadow of a doubt that these fluid do not meet these functional limitations. The examiner does not have the necessary equipment for measuring reactivity, solubility, charge, or KB values. The applicant does have this equipment available and thus the burden is on the applicant to demonstrate which of the numerous claimed function properties are not met.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory E. Webb
Primary Examiner
Art Unit 1751

gew



DOUGLAS MCGINTY
SUPERVISORY PATENT EXAMINER

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